

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: June 22, 2005

Re: **REZONING: R-1, Low Density Single-Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003.**

CONDITIONAL USE PERMIT (CUP): Ivy Creek Townhomes, Ivy Creek Lane.

I. PETITIONER

Gant Properties, Inc., P.O. Box 622 Forest, VA 24551

Representative: Joe Gantt, Gant Properties, Inc., P.O. Box 622, Forest, VA 24551

II. LOCATION

The subject property is a tract of eight (8) acres located on Ivy Creek Lane, adjacent to Wiggington Road and the Lynchburg Expressway. A total of four and one half (4.5) acres of the property is proposed to be rezoned from R-1 to R-3C.

Property Owners: Robert & Brenda Bonheim, 502 Chinhoek Drive, Lynchburg, VA 24501.

III. PURPOSE

The purpose of this petition is to allow construction of four (4) townhouse buildings totaling twenty-two (22) units.

IV. SUMMARY

- The *Future Land Use Map* recommends a combination of Low-Density Residential and Resource Conservation land uses for this site. Existing land uses within the area include a multi-family residential townhome and apartment complex to the east, Peaks View Park to the northeast, a single family residence to the south and the Lynchburg Expressway to the west.
- Petition agrees with the Zoning Ordinance in that townhomes are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council.
- Petition(s) proposes to rezone the subject property and obtain a CUP to construct a four (4) building, twenty-two (22) unit townhome complex and associated parking.

The Planning Division recommends approval of the rezoning and the conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Future Land Use Map [FLUM]* recommends Low Density Residential development uses within this area. Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre.

The FLUM is not intended to be parcel specific and also indicates Medium Density Residential Uses in the immediate area. Existing land-uses adjacent to the property currently include a mix of single-family residential homes, multi-family residential (both apartments and townhomes),

and parkland. The site plan, as proposed, provides for a density of two and three-quarter (2.75) units per acre; this is significantly less than the typical Medium Density Land Use which is characterized by small-lot single family detached housing, duplexes and townhouses at densities up to 12 units per acre.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Single-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) Substantial compliance with final site plan of development (June 7, 2005).
 - 2) All town homes will be custom built and bricked or vinyl architectural design.
 - 3) Landscaping of the entire area will be in compliance with the scenic corridor restrictions.
 - 4) All natural vegetation will be undisturbed out of construction area.
 - 5) All front porches or stoops will be bricked. There will be no treated wood decks, porches, etc. If wooden railings are required, they will be painted.
 - 6) We will use architectural design shingles.
 - 7) Private street lights will be placed on the property using low glare bulbs.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 5/10/2005: City Council approved Joe Gantt's CUP petition, petition to rezone and petition to amend the *Future Land Use Map* for the construction of a sixteen (16) unit town home complex at 821, 823 Mercury Street and 824 Wiggington Road.
 - 9/14/2004: City Council approved Nextel Partner's CUP petition to collocate cellular equipment on an existing tower at 208 Schothum Street.
 - 12/14/2004: City Council approved Joe Gantt's petition to rezone the property at 811 Mercury Street from R-2 and B-3 to B-3C to allow for the construction of a duplex on the lot.
 - 12/16/2003: City Council approved Joe Gantt's petition to rezone the property at 813 Mercury Street from R-2 to B-3C to allow for the construction with the appropriate setbacks of an office complex with parking.
 - 6/13/2000: City Council denied Thomas Ackerman's CUP petition to allow for the use of the property at the 400 Block of Wiggington Road as a private park for a club in an R-2, Single-Family Residential District.
 - 3/9/1999: City Council approved Lester Mulligan and Albert Henry's CUP petition for the construction of a veterinary hospital at 802-804 Wiggington Road.
 - 8/13/1996: City Council approved Victory Christian Church's CUP petition to allow construction of a new sanctuary, associated buildings and parking on a tract of two and nine

tenths (2.9) acres at the 400 Block of Wiggington Road in an R-2, Single-Family Residential District.

- 2/11/1997: City Council approved Richard Gilmore's petition to rezone the property at 811 Wiggington Road from B-3 & I-3 to B-3C for the construction of a funeral home.
 - 8/14/1990: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to amend the master plan for Peaks View Park with access points on Ardmore Drive, Tenbury Drive and Ivy Creek Lane for the property off of Ardmore Drive.
 - 1/27/1981: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to develop a master plan for a new city park (Peaks View Park) off of Ardmore Drive.
6. **Site Description.** The subject property is primarily wooded; Ivy Creek forms the western border of the property. The property is bounded to the north by Peaks View Park, to the south by a single family residence, to the east by Woodbine Village apartments and townhomes, and to the west by Lynchburg Expressway.
 7. **Proposed Use of Property.** The purpose of the rezoning and conditional use permit is to allow the construction of a four (4) building, twenty-two (22) unit townhome community. The townhomes will be constructed as two (2) level vinyl or brick structures with dimensional shingles, hip roofs, dormers, hardwood floors and custom kitchens. The petitioner proposes to provide paved parking, including curb and gutter, complementary landscaping and trash service so that no dumpsters or trash cans will be visible from the street.
 8. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.

Parking requirements for the proposed development are set at two and one half (2.5) spaces per unit by the City's Zoning Ordinance; fifty-five (55) spaces are required to meet City Code for this project. The site plan indicates that fifty-five (55) parking spaces, including three (3) handicap spaces will be provided for the townhomes.

9. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The petitioner proposes to manage the increase in post-development run-off conditions through the use of existing/proposed channels to Ivy Creek; no above-ground stormwater detention is proposed. The petitioner proposes to manage water quality through the proposed additional landscaping and "soft-lined" vegetative channels, where feasible.

City Code requires stormwater management and detention for projects greater than or equal to ten thousand (10,000) square feet. However, the code also provides that approval of non-structural practices (Low Impact Development and alternative Best Management Practices) can be granted at the discretion of the plan approving authority as an alternative to individual structural practices. Staff recommends that the "soft-lined" vegetative channels and landscaping be accepted as an alternative to traditional stormwater management, provided that they are used in conjunction with bioretention areas that limit channelized flow and promote infiltration. A condition that alternative Low Impact Development and Best Management Practices, subject to the review of the Environmental Planner is recommended, in case the bioretention option does not prove feasible at the time of final layout and design. Staff also recommends that if, at the discretion of the Environmental Planner, the use of a low impact measure cannot be

incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.

10. **Emergency Services.** The City's Fire Marshal had no comments on the proposed rezoning and conditional use permit application.

The Police Department had no comments on the proposed rezoning and conditional use permit application.

11. **Impact.** The development of the twenty-two (22) unit townhome community and associated parking will have limited impacts on the surrounding neighborhood. The integrity of the adjacent Resource Conservation area will be protected by the minimal footprint proposed for this development. Out of a total of four and one half (4.5) acres available on the subject property, the maximum developed area will be two and a half (2.5) acres with all existing woods and vegetation outside of the development footprint to remain undisturbed.

The design and layout of the buildings are generally acceptable to the Planning Division staff; however, staff does recommend that a condition be placed on the buildings requiring that the exterior be vinyl and brick or solely brick. Staff also recommends that trees be extended around the southern end of the property and foundation plantings be placed at the rear of the two buildings which face Ivy Creek lane to enhance the look of the buildings, screen the parking lot from Ivy Creek Lane and provide a water quality enhancement for the townhomes.

Parking and traffic requirements have been sufficiently met for the project. The petitioner has proffered that private street lights will be placed on the property. Planning Division staff recommends that the lights be non-directional and glare-shielded to prevent illumination across the property line onto adjacent properties.

The petitioner proposes to manage the increase in post-development run-off conditions through the use of existing/proposed channels to Ivy Creek and water quality through the proposed additional landscaping and "soft-lined" vegetative channels, where feasible. Staff recommends that the "soft-lined" vegetative channels and landscaping be accepted as an alternative to traditional stormwater management, provided that they are used in conjunction with bioretention areas that limit channelized flow and promote infiltration. A condition that alternative Low Impact Development and Best Management Practices, subject to the review of the Environmental Planner is recommended, in case the bioretention option does not prove feasible at the time of final layout and design. Staff also recommends that if, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 31st, 2005. Comments related to the proposed plan use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION(S):

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Gantt Investment Corporation's petition for a rezoning of R-1, Low Density Single-Family Residential District to R-3(C), Medium Density Two-Family Residential District

(Conditional), for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003

Based on the preceding Findings of Fact, the Planning commission recommends to City Council approval of Gantt Investment Corporation's petition for a Conditional Use Permit (CUP) for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003 to allow for the construction of a twenty-two (22) unit townhome community, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning and CUP Ivy Creek Townhomes Ivy Creek Townhomes prepared by Berkley-Howell & Associates, P.C. and dated June 7, 2005.**
- 2. Exterior building materials shall be brick and vinyl or solely brick.**
- 3. A vegetative buffer will be extended along the southern end of the property and foundation plantings will be planted at the rear of the two (2) buildings facing Ivy Creek lane, with species size and type subject to the approval of the City Planner and Urban Forester.**
- 4. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.**
- 5. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal

Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. G. Wayne Cyrus, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mr. Joe Gantt, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)
- 4. Project Narrative**